

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES
COUNCIL OF PRISON LOCALS 33;
AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES LOCAL
2018; MICHAEL GARCIA; KENNETH
LAZOR,

Plaintiffs,

v.

No. 2:21-cv-05172-HB

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States;
KIRAN AHUJA, in her official capacity as
Director of the United States Office of
Personnel Management; MERRICK B.
GARLAND, in his official capacity as
Attorney General of the United States;
LLOYD AUSTIN, in his official capacity as
Secretary of Defense,

Defendants.

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants respectfully notify the Court of the attached decision in *Feds for Medical Freedom v. Biden*, No. 22-40043 (5th Cir. Apr. 7, 2022), which was issued yesterday evening and is relevant to the Court's consideration of Defendants' pending motion to dismiss and Plaintiffs' pending motion for a preliminary injunction. The Fifth Circuit's decision vacates the nationwide preliminary injunction against the federal employee vaccination requirement entered by a district court in the Southern District of Texas, *see Feds for Med. Freedom v. Biden*, No. 3:21-CV-356, --- F. Supp. 3d ---, 2022 WL 188329 (S.D. Tex. Jan. 21, 2022), and remands with instructions for the district court to dismiss that case. Substantively, the Fifth Circuit's decision supports Defendants' arguments that the Civil Service Reform Act (CSRA) precludes this Court from exercising subject-matter jurisdiction over challenges brought by federal employees to the federal employee vaccination requirement. *See* Defs.' Br., ECF No. 16-1, at 8–10; Defs.' Reply, ECF No. 18, at 3–4.

Dated: April 8, 2022

Respectfully submitted,

BRIAN M. BOYNTON
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CARLOTTA P. WELLS
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/s/ Cody T. Knapp
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, and that that document is now available for viewing and downloading from the CM/ECF system. I further certify that the foregoing document is being served this day on all counsel of record, via Notices of Electronic Filing generated by CM/ECF.

/s/ Cody T. Knapp
Trial Attorney